

CHECKLIST FOR CONDITIONAL USE REZONING APPLICATION

*Planning and Development Department (5th Floor)
Asheville City Hall
70 Court Plaza*

All submittals are due on the last Friday of the month by noon. All submitted materials must be 8 ½ x 11 in size or folded to that size.

Conditional Use Rezoning Application

- ☐ Completed Application.
- ☐ Legal description and PINs for subject property.
- ☐ Filing fee.
- ☐ Area map illustrating subject property and surrounding zoning (*staff will assist applicants in preparing this map if necessary*).
- ☐ Concept plans illustrating development proposal (17 sets plus one 8 ½ x 11 reduction of each drawing.
- ☐ Elevation drawings of proposed structure(s) or other material in support of request
 - ***17 sets plus one 8 ½ x 11 reduction of each drawing for Technical Review.***
 - ***11 additional sets with revisions if applicable, plus one 8 ½ x 11 reduction of each drawing for Planning and Zoning Commission to be submitted after Technical Review.***

NOTE: Failure to provide the above information will result in a delay in processing of your plans.

CONCEPT PLAN SUBMITTAL REQUIREMENTS

*** Concept Plans must include a "Title Block" containing the following information:**

- Name of property owner(s). ☐
- Name, address, and phone number of contact person. ☐
- Name of design professional (if applicable). ☐
- Name of project. ☐
- Location of project, address and a vicinity map. ☐
- Scale: Between 1 inch = 10 ft. and 1 inch = 50 ft. ☐
- North arrow. ☐
- PIN number(s). ☐
- Date of drawing. ☐
- Zoning district. ☐
- Size of property in acres (or square feet if less than one acre). ☐
- List number of parking spaces **required** and **provided** by type (include bicycle parking). ☐

*** The Concept Plan must include the following information:**

- Show all **existing** property boundaries with dimensions (show entire property). ☐
- Show all **existing** and **proposed** structures and their location on the property (Note building square footage and number of stories). ☐
- Show or note all significant topographic/geologic features (creeks, flood zones, drainage areas, areas of severe topography, etc.). ☐
- Show **existing** and **proposed** access points including; roads, driveways, bicycle paths pedestrian paths, etc. (Note if any existing access points are not used). ☐
- Approximate locations of **existing** and **proposed** easements and rights-of-way. ☐
- Approximate location of **existing** and **proposed** sidewalk(s). ☐
- Show required setbacks. Note and dimension any encroachments. Note distances from proposed buildings to property lines and distances between buildings. ☐
- Show proposed parking lot layout and direction of traffic flow (include bicycle parking). ☐
- Show and dimension lot aisle width, parking spaces, handicap spaces and handicap loading areas. ☐
- Show and label neighboring streets. ☐
- Show neighboring uses. ☐
- Show or indicate location of nearest fire hydrant. ☐
- Show accessibility compliance per NCSBC-Volume 1 (i.e. handicap ramps, handicap parking, etc.). ☐
- Show location and dimension of all existing and proposed buffer areas. ☐
- Show required screening of dumpsters and other outdoor storage and utility structures. ☐
- Show location and number of existing and/or proposed street trees. ☐
- Show location and number of plantings required in vehicular use area. ☐
- Show all proposed required open space and show open space calculations. ☐

**** Note: If a Concept Plan is submitted for application, a final plan meeting the full checklist requirements will be required for final approval by the Technical Review Committee (TRC).***

***(17) copies of the Concept Plan, along with other application materials, are due on the last Friday of the month
Planning and Development Department (5th Floor)
Asheville City Hall
70 Court Plaza***



CONDITIONAL USE REZONING PETITION

**SUBMIT TO: DEVELOPMENT AND PERMITTING DIVISION
161 SOUTH CHARLOTTE STREET, ROOM A-105
ASHEVILLE, NC 28802 828-259-5846**

The undersigned petitioner requests the City Council of the City of Asheville, North Carolina to conditionally rezone property as described below: **(Please print or type)**

Section I: Property Owner's Information

1) Owner's Name: _____ Mailing Address: _____
Phone No.: Home () _____ Work () _____ Fax () _____
Owner's Signature _____

2) Owner's Name: _____ Mailing Address: _____
Phone No.: Home () _____ Work () _____ Fax () _____
Owner's Signature _____

3) Owner's Name: _____ Mailing Address: _____
Phone No.: Home () _____ Work () _____ Fax () _____
Owner's Signature _____

Section II: Location of SUBJECT property (s)

1) Street Address: _____ PIN _____
2) Street Address: _____ PIN _____
3) Street Address: _____ PIN _____

Section III: REQUESTED REZONING

Current Zoning District: _____ Please describe the type of Conditional Use Rezoning being requested: _____

Section IV: For Office Use Only (Please do not write in this section)

Date of Filing: ____/____/____ Time of Filing: _____ am/pm

Fee Paid: \$ _____

If an **AGENT** is filing the petition, you must have a signed Owner's Affidavit attached to the petition. (Affidavit's are available in the Planning and Development Department).

If you have any questions about filling out this application, please contact the Planning and Development Department at (828) 259-5830.

PLEASE REFER TO THE UDO FOR ADDITIONAL SUBMITTAL REQUIREMENTS.

PLEASE REFER TO THE FEE SCHEDULE TO DETERMINE THE FILING FEE.

Owner's Affidavit

I (we) the undersigned do hereby give permission to (agent's name or organization)
_____ to file petition (application) for property (s)
located at _____
with PIN# _____ on this affidavit for the purpose of
requesting a Conditional Use Permit or Conditional Use Rezoning from the City Council
of the City of Asheville, NC. I further understand that my signature is consent to all
conditions and/or stipulations that may be imposed or adopted by such City Council as
part of the petition approval.

1) Owner's Name (Please Print) _____

Owner's Signature _____ Date _____

2) Owner's Name (Please Print) _____

Owner's Signature _____ Date _____

3) Owner's Name (Please Print) _____

Owner's Signature _____ Date _____

4) Owner's Name (Please Print) _____

Owner's Signature _____ Date _____

Agent's (Contact) Information:

Name: _____ Address: _____

Phone Number: () _____ Fax Number: () _____

INTRODUCTION

TO

CONDITIONAL USE REZONING

What is the purpose of Conditional Use Rezoning? Conditional uses are uses which are generally compatible with other land uses permitted in a zoning district but which, because of their unique characteristics or potential impacts on the surrounding neighborhood and/or the city as a whole, require individual consideration of their location, design, configuration, or operation at the particular location proposed. Such individual consideration may also call for the imposition of individualized conditions in order to ensure that the use is appropriate at a particular location and to ensure protection of the public health, safety, and welfare.

When is it appropriate to apply for a Conditional Use Rezoning? This zoning tool is available to promote land uses and activities that benefit the public in general. If there is only private benefit, the tool should not be used. However, public benefits should be broadly construed and take into consideration uses that: Support City plans and programs (2010 Plan, Ped/Bike Plan, HUD Consolidated Plan; Greenway Plan, City CIP program, Smart Growth policies, Sustainable Economic Development Task Force Report, etc.); Promotes or protects community character; Preserves historic or environmental resources; Promotes transportation connectivity, Promotes multimodal transportation; Provides for affordable housing; Resolves neighborhood land use disputes; Promotes City urban design goals; etc.

*** The basic rule here is that these tools are a mechanism to negotiate development activities in a way that benefits the public.**

How do I find out if my Conditional Use Rezoning proposal will meet the guidelines? It is important that potential applicants have a pre-filing meeting with a representative from the Planning and Development Department. This meeting should clear up any filing issues and provide preliminary guidance to what the expectations of the City will be. Following the pre-filing meeting, it is important to ensure the requested land use, site plans, and drawings, etc are in compliance with the Uniform Development Code (UDO) and other applicable standards and specifications. This may require contacting the Engineering Department, Public Works Department, Water Resources, Municipal Sewer Department, etc... Prior to filing the completed application, it is highly recommended that the applicant make efforts to contact the owners of nearby properties and inform them of the scope and plans of the proposed project. Once all pre-application steps have been completed and the application filing requirements have been fulfilled, it is time to submit the application and pay any applicable fees.

As an applicant, you should provide a detailed description of the project proposal including: conditional use request and how it meets the conditional use guidelines, any special conditions requested, relevant history, and any other information that may be helpful in evaluating your request.

Submittal Requirements **For** **Conditional Use Rezoning Application**

At the time of application submittal, the following list of documentation and supporting materials **SHALL** be submitted to be considered as a completed application. All applications must be completed prior to scheduling for the TRC meeting.

1. Completed and signed petition form.
2. Completed and signed Owner's Affidavit form (If applicable)
3. Legal Description of subject property (s).
4. Statement of intent: This statement should include the current zoning, requested zoning, the conditional use requested, and any special conditions requested by the applicant. (i.e. density bonuses, fees in lieu of ..., etc...)
5. A response to each of the standards set forth in Section 7-16-2 (c) of the City of Asheville Unified Development Code. (Standards listed below)
6. All other supporting site plans, drawings, and materials required by **Appendices A & B** and any other requirements of the UDO.
7. **Proposed building elevations and/or photographs of existing building(s).**
8. All applicable fees.

Section 7-16-2 (c) of the UDO:

(c) *Conditional Use Standards.* The Asheville City Council shall not approve the conditional use application and site plan unless and until it makes the following findings, based on the evidence and testimony received at the public hearing or otherwise appearing in the record of the case:

1. That the proposed use or development of the land will not materially endanger the public health or safety;
2. That the proposed use or development of the land is reasonably compatible with significant natural and topographic features on the site and in the immediate vicinity of the site given the proposed site design and any mitigation techniques or measures proposed by the applicant;
3. That the proposed use or development of the land will not substantially injure the value of adjoining or abutting property;
4. That the proposed use or development of the land will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located;
5. That the proposed use or development of the land will generally conform with the comprehensive plan, smart growth policies, sustainable economic development strategic plan, and other official plans adopted by the City;
6. That the proposed use is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities; and
7. That the proposed use will not cause undue traffic congestion or create a traffic hazard.

Conditional Use Permit Final TRC Review Fee: \$100

Please be advised that if your site plan review for a Conditional Use Permit, Level III Site Plan Review, or Conditional Use Rezoning receives approval by City Council, it will be brought before the Technical Review Committee (TRC) for the final review process prior to obtaining your permit. **There is an additional \$100 fee for this process.**